

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Julia Vittore	Team: Squad #15	CCRB Case #: 202200710	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Friday, 12/17/2021 10:30 PM	Location of Incident: Northeast corner Story Avenue and Havemeyer Avenue	Precinct: 43	18 Mo. SOL 6/17/2023	EO SOL 6/17/2023	
Date/Time CV Reported Fri, 02/04/2022 2:04 PM	CV Reported At: CCRB	How CV Reported: Call Processing System	Date/Time Received at CCRB Fri, 02/04/2022 2:04 PM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. PO Handriel Torres	19931	959308	043 PCT
2. PO Amanda Canales	14634	965964	043 PCT
3. PO Edwin Olivo	08150	970749	043 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. PO Alfred Rugel	27698	965485	043 PCT
2. SGT Ray Soriano	00701	956275	043 PCT
3. PO Timothy Bourke	21404	969537	043 PCT
4. PO Aaron Solomon	20668	963285	043 PCT
5. PO Jaleel Gatling	03403	964526	043 PCT

Officer(s)	Allegation	Investigator Recommendation
A. PO Handriel Torres	Abuse: Police Officer Handriel Torres drew his gun.	
B. PO Handriel Torres	Force: Police Officer Handriel Torres pointed his gun at § 87(2)(b)	
C. PO Handriel Torres	Force: Police Officer Handriel Torres pointed his gun at § 87(2)(b)	
D. PO Amanda Canales	Abuse: Police Officer Amanda Canales did not obtain medical treatment for § 87(2)(b)	
E. PO Handriel Torres	Abuse: Police Officer Handriel Torres did not obtain medical treatment for § 87(2)(b)	
F. PO Edwin Olivo	Abuse: Police Officer Edwin Olivo did not obtain medical treatment for § 87(2)(b)	

Case Summary

On February 4, 2022, § 87(2)(b) filed this complaint with the CCRB via telephone.

On December 17, 2021, at approximately 10:30 p.m. at the northeast corner of Store Avenue and Havemeyer Avenue in the Bronx, § 87(2)(b) and § 87(2)(b) were stopped by Police Officer Alfred Rugel and Police Officer Handriel Torres after receiving positive identification from a witness who alleged that § 87(2)(b) and § 87(2)(b) had broken a store window with an axe. Police Officer Torres approached § 87(2)(b) and § 87(2)(b) with his firearm drawn (**Allegations A: Abuse of Authority**, § 87(2)(g) and allegedly pointed his firearm at § 87(2)(b) and § 87(2)(b) (**Allegations B and C: Abuse of Authority**, § 87(2)(g), § 87(2)(b) and § 87(2)(b) were subsequently placed under arrest. § 87(2)(b) allegedly made requests for medical treatment at the 43rd Precinct stationhouse to Police Officer Canales (**Allegation D: Abuse of Authority**, § 87(2)(g), Police Officer Torres (**Allegation E: Abuse of Authority**, § 87(2)(g), and Police Officer Edwin Olivo (**Allegation F: Abuse of Authority**, § 87(2)(g)), which was ultimately not obtained.

The investigation obtained body worn camera video of the incident captured by Police Officer Torres (Board Review 01 and 02), Police Officer Bourke (Board Review 03 and 04), Police Officer Solomon (Board Review 05 and 06), Police Officer Canales (Board Review 07 and 08), and Police Officer Olivo (Board Review 09 and 10).

Findings and Recommendations

Allegation (A) Abuse of Authority: Police Officer Handriel Torres drew his gun;

Allegation (B) Abuse of Authority: Police Officer Handriel Torres pointed his gun at

§ 87(2)(b)

Allegation (C) Abuse of Authority: Police Officer Handriel Torres pointed his gun at § 87(2)(b)

On February 23, 2022, § 87(2)(b) (Board Review 11 and 12) and § 87(2)(b) (Board Review 13 and 14) were interviewed by the CCRB. On May 17, 2022, Police Officer Rugel (Board Review 15 and 16) and Police Officer Torres (Board Review 17 and 18) were interviewed by the CCRB. On May 31, 2022, Police Officer Canales (Board Review 19 and 20) and Police Officer Timothy Bourke (Board Review 21 and 22) were interviewed by the CCRB. On August 22, 2022, Police Officer Solomon (Board Review 23 and 24) and Police Officer Jaleel Gatling (Board Review 25 and 26) were interviewed by the CCRB. On August 30, 2022, Sergeant Ray Soriano (Board Review 27 and 28) was interviewed by the CCRB. On November 28, 2022, Police Officer Olivo (Board Review 29 and 30) was interviewed by the CCRB.

It is undisputed that § 87(2)(b) was in possession of an axe when he and § 87(2)(b) were stopped by officers. Police Officer Rugel, Police Officer Canales, Police Officer Solomon, Police Officer Bourke and Police Officer Gatling consistently reported that they did not recall seeing any officer on scene pointing their firearm at § 87(2)(b) or § 87(2)(b).

§ 87(2)(b) stated that she and § 87(2)(b) were involved in a dispute with a male employee of a deli located on Castle Hill Avenue § 87(2)(b) Bronx. The deli employee attacked § 87(2)(b) with an axe and § 87(2)(b) took the axe from the deli employee after he swung it at § 87(2)(b) § 87(2)(b) and § 87(2)(b) subsequently left the

scene on foot. Approximately five to ten minutes later, four NYPD vehicles pulled up near the intersection of Story Avenue and Havemeyer Avenue. The deli employee was in one of the vehicles. He was not in handcuffs and did not appear to be under arrest. § 87(2)(b) believed he was there to identify her and § 87(2)(b) to officers. § 87(2)(b) stated that § 87(2)(b) was in possession of the axe and that an officer removed the axe from his person. § 87(2)(b) and § 87(2)(b) were subsequently arrested and transported to the 43rd Precinct stationhouse.

§ 87(2)(b) stated that Police Officer Torres exited the passenger side of the vehicle with his firearm drawn and pointed at him, followed shortly after by Police Officer Rugel. Police Officer Rugel did not exit the vehicle with his firearm drawn. Within seconds of the first vehicle arriving, two to three additional vehicles arrived on scene. Police Officer Torres told § 87(2)(b) and § 87(2)(b) to freeze and put their hands up. § 87(2)(b) and § 87(2)(b) stopped walking and put their hands in the air. § 87(2)(b) told officers that he was in possession of an axe. The axe was slung through the straps of his backpack, between his body and the backpack. The axe was positioned at a diagonal through the straps with the handle coming out the left side and the head of the axe positioned diagonally across his back near his shoulder blade.

Police Officer Rugel stated that he was on patrol in a marked vehicle with Police Officer Torres. They were notified by dispatch of a 911 call of a crime in progress. A description was provided of two suspects in possession of an axe used to break a storefront window. Police Officer Rugel and Police Officer Torres responded to a deli located on Castle Hill Avenue § 87(2)(b) in the Bronx. Upon arriving on scene, Police Officer Rugel and Police Officer Torres spoke with two deli employees. One of the deli employees informed them that there was a dispute inside the deli involving two people who were in possession of an axe. The deli employees asked the individuals to leave, after which, the aforementioned individuals shattered the storefront window and fled the scene. Police Officer Rugel observed broken glass at the scene. Police Officer Rugel and Police Officer Torres subsequently canvassed the area with the deli employee in their vehicle. The deli employee positively identified § 87(2)(b) and § 87(2)(b) approaching the intersection of Story Avenue and Havemeyer Avenue on foot. Police Officer Rugel and Police Officer Torres were the first officers to arrive on scene. The axe was visible to Police Officer Rugel on § 87(2)(b)'s person prior to him exiting the vehicle. Police Officer Rugel and Police Officer Torres exited the vehicle and told § 87(2)(b) and § 87(2)(b) to stop and drop everything. Police Officer Rugel stated that he exited the vehicle with the intention of placing § 87(2)(b) and § 87(2)(b) under arrest based on the positive identification from the deli employee, in addition to § 87(2)(b) being in possession of an axe. Police Rugel did not feel that § 87(2)(b) or § 87(2)(b) posed a threat to his safety at any point during his interaction with them. When asked if he felt that § 87(2)(b) or § 87(2)(b) posed a threat to another officer's or civilian's safety, he responded that he could not speak for the other individuals on scene, but that he did not feel as though they posed a threat to himself or Police Officer Torres. Police Officer Rugel did not recall whether he or Police Officer Torres approached § 87(2)(b) or § 87(2)(b) with their firearms drawn or pointed at them and did not recall seeing any other officers do so. Police Officer Rugel stated that according to NYPD procedure, it would have been permissible to approach a civilian who was in possession of an axe with his firearm drawn or pointed at said civilian.

Police Officer Torres stated that he and Police Officer Rugel were notified by dispatch of a 911 call of a possible crime involving a knife at § 87(2)(b) in the Bronx. Police Officer Torres recalled that the word "axe" was communicated over the radio by dispatch in reference to the 911 call. He did not recall if he received any additional information about the incident before he and Police Officer Rugel arrived at the incident location. Police Officer Torres and Police Officer Rugel canvassed the area with a deli employee who witnessed the incident. After receiving positive identification of the suspects by the deli employee, Police Officer Torres exited the vehicle and

initiated a stop of § 87(2)(b) and § 87(2)(b). Upon exiting the vehicle, Police Officer Torres noticed that § 87(2)(b) was in possession of a four-foot-long axe. The axe was slung through the straps of § 87(2)(b)'s backpack. Police Officer Torres did not recall if he drew or pointed his firearm at § 87(2)(b) or § 87(2)(b) at any point during the incident and did not recall seeing any other officer do so. Police Officer Torres stated that if another officer had drawn or pointed their firearm, he would not blame them for doing so because § 87(2)(b) was in possession of an axe and responding officers were informed that he had just previously used it to commit a crime.

Police Officer Canales stated that she and Police Officer Solomon were on patrol together when they received a report over the radio of a 911 call of a possible crime involving a knife on Castle Hill Avenue. Dispatch provided descriptions of a Black male and Black female heading southbound on Castle Hill Avenue. Police Officer Canales and Police Officer Solomon responded to the incident location. The defendants were not at the location when they arrived. Police Officer Canales did not recall if she or Police Officer Solomon spoke with civilians or officers at the incident location. Police Officer Canales and Police Officer Solomon left the deli and canvassed the area. As they were canvassing, Police Officer Rugel and Police Officer Torres, located two civilians at the intersection of Story Avenue and Havemeyer Avenue. Police Officer Canales and Police Officer Solomon responded to the intersection where § 87(2)(b) and § 87(2)(b) had already been stopped by Police Officer Rugel and Police Officer Torres. Police Officer Canales observed an axe hanging from the strap of either § 87(2)(b) or § 87(2)(b)'s backpack. She did not recall which individual had it on their person. Police Officer Solomon stated that when he arrived on scene and approached § 87(2)(b) he noticed a long handle (approximately 2.5 feet) sticking out from inside his backpack. He did not know what material the handle was made of, but he could tell that it was made of some type of hard material that could potentially be used as a weapon. He did not recall the color of the handle. He could not tell that it was an axe from viewing only the handle. He did not recall seeing any protruding shapes or bulges from inside the backpack. He removed the axe from the backpack and handed it to another officer. He did not recall to whom he handed the axe. Neither Police Officer Canales, nor Police Officer Solomon, observed any officers on scene draw or point their firearm at § 87(2)(b) or § 87(2)(b).

Police Officer Bourke stated that an officer handed him an axe when he arrived on scene. He was unable to recall which officer handed him the axe, or which civilian was previously in the possession of the axe. Police Officer Bourke did not recall seeing any officers on scene draw or point their firearm at either § 87(2)(b) or § 87(2)(b) at any point during the incident.

Police Officer Gatling did not observe whether § 87(2)(b) or § 87(2)(b) were in possession of an axe and did not see an axe at all while on scene. Police Officer Gatling did not observe any officers draw their firearm or point it at § 87(2)(b) or § 87(2)(b).

Police Officer Torres' memo book (Board Review 31), states that he and Police Officer Rugel responded to 911 call regarding a possible crime involving possession of a knife at § 87(2)(b) Avenue. The comments state that they canvassed the area with the male complainant in vehicle and the complainant positively identified two individuals at the intersection of Havemeyer Avenue and Story Avenue.

Body worn camera video captured by Police Officer Torres (Board Review 01 and 02) shows Police Officer Torres exiting the vehicle from the front passenger's seat at timestamp 05:34. Police Officer Torres and Police Officer Rugel subsequently stop § 87(2)(b) and § 87(2)(b). At timestamp 05:47, an axe with a yellow handle can be seen slung through the straps of § 87(2)(b)'s backpack. Body worn camera video captured by Police Officer Bourke (Board Review

03 and 04) shows Police Officer Solomon handing Police Officer Bourke an axe with a yellow handle at timestamp 06:10. Body worn camera video captured by Police Officer Solomon (Board Review 05 and 06) indicates that Police Officer Rugel and Police Officer Torres were on scene prior to the arrival of Police Officer Solomon and Police Officer Canales. At timestamp 05:55, Police Officer Torres approaches § 87(2)(b) and § 87(2)(b) from the passenger's side of his RMP with his gun drawn and held at his side. As Police Officer Torres approaches the civilians, he raises the gun toward his belt and appears to holster his firearm; however, whether the gun enters the holster is not visible. The last time Police Officer Torres' arm holding the firearm is visible on Police Officer Solomon's body worn camera video is at internal timestamp 22:32:49. At internal timestamp 22:32:51 on Police Officer Torres' body worn camera video (Board Review 01 and 02), both of Police Officer Torres' hands are visible on § 87(2)(b)'s shoulders and he is no longer holding his firearm.

According to Patrol Guide Procedure 221-01 (Board Review 32), the decision to display or draw a firearm should be based on an articulable belief that the potential for serious physical injury is present. When a uniformed member of the service determines that the potential for serious physical injury is no longer present, the uniformed member of the service will holster the firearm as soon as practicable.

Both civilians and officers interviewed consistently stated that § 87(2)(b) was in possession of the axe prior to being stopped by officers. Additionally, video evidence obtained shows the axe on § 87(2)(b)'s person when he and § 87(2)(b) are stopped by Police Officer Rugel and Police Officer Torres. According to Patrol Guide Procedure 221-01, Police Officer Torres' § 87(2)(g) believed § 87(2)(b) to be in possession of an axe that he recently used to commit a crime, in addition to that fact that Police Officer Torres observed the axe on his person upon arriving on scene and exiting his vehicle. § 87(2)(b)

§ 87(2)(g)
§ 87(2)(g)
§ 87(2)(g) the other officers on scene consistently stated that they did not recall any officer on scene point their firearm at a civilian. § 87(2)(b)

Allegation (D) Abuse of Authority: Police Officer Amanda Canales did not obtain medical treatment for § 87(2)(b)

Allegation (E) Abuse of Authority: Police Officer Handriel Torres did not obtain medical treatment for § 87(2)(b)

Allegation (F) Abuse of Authority: Police Officer Edwin Olivo did not obtain medical treatment for § 87(2)(b)

§ 87(2)(b) stated that she was lodged in a holding cell in the front of the 43rd Precinct stationhouse. § 87(2)(b) spoke to Police Officer Canales and requested medical attention for herself at this time. Police Officer Canales told her that they were working on it. § 87(2)(b) sustained a wound on her finger near her fingernail when she grabbed the axe from the deli

employee. § 87(2)(b) stated during her interview that the wound was bleeding but did not require stitches, and that she was “kind of being over-dramatic.” After being moved to a new holding cell, § 87(2)(b) asked Police Officer Torres about her request for medical attention, and he told her that she was not going anywhere. When Police Officer Torres’ tour ended, § 87(2)(b) was assigned a new arresting officer, Police Officer Olivo. Approximately four hours after being arrested, she asked Police Officer Olivo about her requests for medical attention. Police Officer Olivo told her they were still working on getting medical attention for her boyfriend. After speaking with Police Officer Olivo, § 87(2)(b) did not speak to any other officers about her requests for medical attention. § 87(2)(b) was given a band-aid for her wound at Central Booking. § 87(2)(b) did not seek medical attention after being released from custody.

§ 87(2)(b) stated that he did not hear § 87(2)(b) request medical attention for herself while on scene or at the stationhouse.

Police Officer Rugel and Police Officer Torres stated that § 87(2)(b) did not appear to be injured and did not recall if she was visibly bleeding. Police Officer Rugel did not hear § 87(2)(b) request medical attention at any point while on scene, nor did he recall hearing § 87(2)(b) speak about injuries she suffered resulting from the dispute at the deli. Police Officer Rugel did not recall Police Officer Torres refusing to provide medical assistance to § 87(2)(b). He did not know if § 87(2)(b) ultimately received medical treatment. Police Officer Torres did not recall hearing § 87(2)(b) request medical attention at any point during the incident or speak about injuries she suffered resulting from the dispute at the deli. Police Officer Torres denied refusing to obtain medical assistance for § 87(2)(b) and did not recall observing any other officer do so. After § 87(2)(b) and § 87(2)(b) were transported to the stationhouse, Police Officer Torres had no further interaction with § 87(2)(b).

Police Officer Canales did not recall if § 87(2)(b) requested medical attention on scene. Police Officer Canales and Police Officer Solomon transported § 87(2)(b) to 43rd Precinct stationhouse and presented her at the desk and lodged § 87(2)(b) in the female holding cell approximately three feet behind the sergeant’s desk. Police Officer Canales and Police Officer Solomon stated that § 87(2)(b) did not appear to be bleeding and did not have any obvious injuries. Police Officer Solomon asked § 87(2)(b) if she required medical attention and § 87(2)(b) refused medical assistance. After lodging § 87(2)(b) in the holding cell, Police Officer Canales and Police Officer Solomon did not have any further interaction with her. Police Officer Solomon was not aware of § 87(2)(b) making any requests for medical assistance after she was lodged in the holding cell.

Police Officer Bourke and Police Officer Gatling did not recall if § 87(2)(b) requested medical assistance while on scene or spoke about any injuries. Police Bourke and Police Gatling transported § 87(2)(b) to the 43rd Precinct stationhouse and presented him at the desk. Police Officer Gatling stated that when they arrived at the stationhouse with § 87(2)(b) § 87(2)(b) was being presented at the desk. Police Officer Gatling, Police Officer Bourke, and § 87(2)(b) stood approximately 10 feet away from the desk and waited to present § 87(2)(b). Police Officer Gatling did not interact with § 87(2)(b) at all while at the stationhouse and did not know if she had any obvious injuries. Police Officer Bourke and Police Officer Gatling did not recall § 87(2)(b) requesting medical assistance at the stationhouse. Police Officer Gatling was not made aware of any requests for medical assistance made by § 87(2)(b) after she was lodged in a holding cell. Police Officer Gatling did not observe any officers refuse to obtain medical treatment for § 87(2)(b).

Sergeant Soriano stated that the 43rd Precinct stationhouse female holding cell is located behind the desk approximately 10 to 15 feet to the right of where the desk officer would stand. It is separated from the main vestibule area by a Plexiglass door. There is a CCTV feed at the desk showing the

inside of the cell. The desk officer would not be able to hear conversation in the female holding cell, but if the detainees shout or knock on the door, the desk officer would typically be able to hear them. Sergeant Soriano was assigned as the 43rd Precinct stationhouse desk officer on the date of the incident. He did not have an independent recollection of events involving § 87(2)(b) and § 87(2)(b). Sergeant Soriano did not recall whether § 87(2)(b) appeared visibly injured or bleeding, or if she complained of having sustained any injuries prior to being arrested. He did not recall whether Police Officer Solomon or Police Officer Canales informed him that § 87(2)(b) was injured or that she was in need of medical assistance, nor did he recall any other officers doing so. Sergeant Soriano did not recall interacting with § 87(2)(b) while she was detained in the holding cell and did not recall any other officer doing so. He did not recall whether § 87(2)(b) requested medical assistance after being lodged in the holding cell. Sergeant Soriano did not recall § 87(2)(b) yelling for hours requesting medical assistance for herself while detained in the holding cell. He explained that the other female holding cells that § 87(2)(b) could have been moved to are located approximately 20-25 feet to the left of the desk. The inside of this holding cell area can be seen at the desk via CCTV feed. The feed does not have audio. If prisoners were to yell from inside the holding cells, the desk officer on duty would not be able to hear them. He did not recall § 87(2)(b) yelling to request medical assistance while in the holding cell.

Police Officer Olivo stated that he was assigned as § 87(2)(b)'s arresting officer by Police Officer Torres and Police Officer Rugel. He was not present when she was being presented at the desk. Neither Police Officer Rugel nor Police Officer Torres mentioned § 87(2)(b) requesting medical assistance for herself on scene. Police Officer Olivo encountered § 87(2)(b) for the first time at the stationhouse after she had already been lodged in a holding cell. Police Officer Olivo introduced himself to § 87(2)(b) as her arresting officer and identified himself as Officer Olivo. Police Officer Olivo and Police Officer Torres moved § 87(2)(b) from the holding cell directly next to the sergeant's desk to a single cell that had a restroom. § 87(2)(b) told Police Officer Olivo and Police Officer Torres that she had a cut on her finger and requested an ambulance. § 87(2)(b) did not seem to be in any kind of physical distress. § 87(2)(b) did not show Police Officer Olivo or Police Officer Torres the cut. Police Officer Olivo did not examine the cut on § 87(2)(b)'s finger and was not able to provide a description of it. He did not observe any blood on her body and stated that she was not "bleeding out." Police Officer Torres offered to give § 87(2)(b) a band aid for the cut. Police Officer Olivo believed that Police Officer Torres provided § 87(2)(b) with a band aid and hand sanitizer, but he did not witness him do so. After § 87(2)(b) was given a band aid, she seemed "alright" and did not mention wanting an ambulance to be called. § 87(2)(b) did not make any additional statements in regard to having a more severe medical emergency or make any additional requests for medical treatment after that point. § 87(2)(b) told Police Officer Olivo she was hungry. Police Officer Olivo brought § 87(2)(b) chips and fingerprinted her. Police Officer Olivo did not offer to call an ambulance after giving § 87(2)(b) food and was not aware of any other officer doing so. The desk officer was not notified that § 87(2)(b) requested an ambulance. Police Officer Olivo did not hear § 87(2)(b) make a request for medical assistance to any other officer at the stationhouse. Police Officer Olivo did not speak to § 87(2)(b) again after he gave her food. Police Officer Olivo stated that standard procedure for how officers are required to respond to prisoner requests for medical treatment depends on the circumstances and how the officers to whom the request was made perceive the severity of the prisoner's physical distress. Police Officer Olivo stated that prisoners have a tendency to "play the game" because they know that if they go to the hospital, their arrest will be processed more quickly. He then accused § 87(2)(b) of playing a game and further stated that he did make any observations that would indicate that § 87(2)(b) needed to go to the hospital. He described her mental state as "apparent normal." He further stated that an ambulance was not called because § 87(2)(b) did not provide a legitimate reason for needing an ambulance for a physical injury that officers could not assist her with, and she was not considered to be in severe physical distress necessitating treatment by EMS.

Body worn camera video captured by Police Officer Canales (Board Review 07 and 08) shows Police Officer Canales and Police Officer Solomon presenting § 87(2)(b) to Sergeant Soriano. At 20:03, Sergeant Soriano asks § 87(2)(b) if she requires medical attention. § 87(2)(b) responds, "I don't because I was barely touched." At 25:00, Police Officer Canales and Police Officer Solomon escort § 87(2)(b) to a holding cell behind the Sergeant's desk.

Body worn camera video captured by Police Officer Olivo (Board Review 09 and 10) shows § 87(2)(b) being moved from the holding cell behind the sergeant's desk to a private holding cell. At 00:58, Police Officer Rugel and Police Officer Torres can be seen standing behind Police Officer Olivo before he turns to enter the cell. At 01:05, Police Officer Olivo informs § 87(2)(b) that she is being lodged in another cell. § 87(2)(b) asks if she is being lodged in a different cell because she asked for a band aid. She further states that no one has given her a band aid and that she is bleeding and holds up her left hand to show Police Officer Olivo. At 01:13, there is blood visible on the tip of the middle finger of § 87(2)(b)'s left hand. Police Officer Torres tells § 87(2)(b) that he has a band aid that he will give it to her after she is moved to a private cell with a toilet. Police Officer Olivo and a female officer then escort § 87(2)(b) out of the holding cell and lodge § 87(2)(b) in a private holding cell with a toilet. At 02:07, § 87(2)(b) says to Police Officer Olivo, "I also asked for medical attention...I want to go to the hospital." At 02:28 the female officer exits the holding cell area after removing § 87(2)(b)'s handcuffs. Police Officer Olivo tells § 87(2)(b) he is going to get her a band aid and some food. He introduces himself as her arresting officer and identifies himself as "Officer Olivo", shield no. 8157. At 02:45, Police Officer Torres enters the holding cell area and gives § 87(2)(b) a band aid. § 87(2)(b) then asks for hand sanitizer, which Police Officer Olivo provides to her. Police Officer Olivo subsequently leaves the holding cell area.

According to NYPD Patrol Guide Procedure 210-04 (Board Review 33), when a prisoner is in need of medical treatment, members of service are required to request an ambulance to remove the prisoner to the hospital and notify the desk officer on duty.

§ 87(2)(g)

§ 87(2)(b) In fact, the BWC showed that she declined medical attention when offered at the desk by Sergeant Soriano § 87(2)(g)

§ 87(2)(b) also alleged that she made a direct request for medical treatment to her "new arresting officer." Police Officer Olivo's body worn camera video captures him introducing himself to § 87(2)(b) as her arresting officer. § 87(2)(b) showed Police Officer Olivo a cut on her finger that was bleeding and requested an ambulance. Police Officer Olivo's response to § 87(2)(b)'s request for medical attention was not in accordance with NYPD Patrol Guide Procedure 210-04, which requires officers to obtain medical treatment for prisoners in need of medical assistance and notify the desk officer on duty of the request. Police Officer Olivo failed to fulfil either requirement. Police Officer Olivo stated that he thought § 87(2)(b) was playing a game. He further stated that he did not call an ambulance because he did not believe § 87(2)(b)'s injury were severe and determined that she was not in need of medical treatment. § 87(2)(g)

Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which § 87(2)(b) has been a party (Board Review 34).
- Police Officer Rugel has been a member of service for seven years and has been a subject in four CCRB complaints and seven allegations, none of which were substantiated. § 87(2)(g)
- Police Officer Torres has been a member of service for four years and has been a subject in three CCRB complaints and 12 allegations, none of which were substantiated. § 87(2)(g)
- Police Officer Canales has been a member of service for four years and has been a subject in two CCRB complaints and two allegations, none of which were substantiated. § 87(2)(g)
- Police Officer Olivo has been a member of service for one year and this is the first CCRB complaint to which he has been a subject.

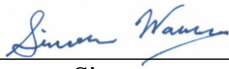
Mediation, Civil, and Criminal Histories

- This complaint was not suitable for mediation.
- As of December 19, 2022, the New York City Comptroller's Office had no record of any Notices of Claim filed in regard to the incident (Board Review 35).

- § 87(2)(b)
- § 87(2)(b)

Squad: 15

Investigator:	<u>Julia Vittore</u>	<u>Inv. Julia Vittore</u>	<u>01/18/2023</u>
	Signature	Print Title & Name	Date

Squad Leader:	<u></u>	<u>IM Simon Wang</u>	<u>01/18/23</u>
	Signature	Print Title & Name	Date

Reviewer:	_____	_____	_____
	Signature	Print Title & Name	Date

CCRB Case # 202200710